

REMARKS

Claims 26-49 are pending; claims 26, 36 and 43 are independent.

Applicants have cancelled claims 1-25 and present a new set of claims for examination.

Applicants respectfully submit that the new claims are allowable over the prior art cited in the Office Action mailed February 12, 2001.

Rejections Under 35 U.S.C. § 103(a)

All claims stand rejected as obvious in view of Kondo et al., United States patent 6,181,991. Kondo however fails to disclose important aspects of Applicants' amended claims. While the Kondo 991 patent does refer to use of electrically powered vehicles in a vehicle sharing system, Kondo differs fundamentally from Applicants' claimed invention. In particular, Kondo refers to a vehicle sharing system in which the control system that tracks use of electrically powered vehicles is located at the port at which vehicles are checked out, rather than by a computer located at a central station, as in Applicants' claimed invention. *Compare* Kondo et al. at col. 1, lines 34-41 and 53-55 ("The system controller 28 controls the electric vehicles 12, the charger controller 20, the gate and the port terminal 26") (emphasis added) *with* Applicants' specification at page 4 (summarizing the different functions of the central station and port computer system in operation of the invention). See also Kondo patent at col. 10, lines 45-53 ("In the above vehicle returning process, the user 24 returns the electric vehicle to the vehicle distribution port.") The use of a separate central station and vehicle port in Applicant's claimed invention but lacking in Kondo et al. is a fundamental and important difference between the two inventions.

A system that permits vehicles to be returned to other ports requires a control system that extends to other, geographically distant ports that are part of the system, as in Applicants' vehicle sharing system. More specifically, as will be understood from review of Applicants' specification and amended claims, such a system requires that a central station that monitors the location of all vehicles that are part of the system, and a separate port computer at each port facility. (Specification page 4, lines 12-22). Absent this functionality, a shared vehicle checked out from one port, and returned to a port other than the one the shared vehicle was checked out from, would be lost to the system absent intervention not disclosed or suggested by Kondo et al. The availability of a vehicle sharing system with multiple vehicle ports distinguishes Applicants' invention from that of Kondo et al. Applicants have amended their claims to limit them to a vehicle sharing system with a plurality of vehicle ports. Applicants respectfully submit that their amended claims are patentable over Kondo et al.

Claims 1-4, 11, 12, 15, 19, 20 and 21 stand unpatentable over Kane, United States patent 6,078,850 in view of Kondo et al., United States patent 6,181,991. Applicants respectfully traverse this rejection. As amended, the pending claims are limited to "electrically powered vehicles in a vehicle sharing system", wherein electrical power is provided by "at least one battery." Applicants' claims have also been amended to recite that the claimed system includes more than one vehicle port. To avoid ambiguity, Applicants also removed references to "stored amount of energy." The amended claims refer only to the "state of charge" of a vehicle.

The Kane patent is not relevant to the patentability of Applicants' amended claims. First, Applicants' amended claims are not drawn to "vehicles" but are limited to "electrically powered vehicles" that are "used in a vehicle sharing system." Even according the broadest reasonable construction to the amended claims, they are not drawn simply to "vehicles" but to a more circumscribed field.

While the Kane patent refers to "vehicles" the substantive disclosure of the document focuses on diesel locomotives. For example, at column 1 line 7, Kane recites:

The present invention generally relates to a fluid (e.g. fuel) management method and more particularly to a fluid management method for monitoring and tracking the amount of fuel or other fluid that is delivered to engines either at mobile or fixed wayside fueling stops or at refueling racks at railroad terminals. (Kane, col. 1, lines 6-10)

In discussing the problems addressed by the invention, Kane focuses on issues that are entirely remote from the present Applicants' invention. Among the problems addressed by Kane is fraud in the delivery of diesel fuel to diesel locomotives (col. 1, line 28); preventing fuel spills at local fuel stops and preventing rupture of fuel hoses (col. 1, lines 35-41) and resulting environmental pollution. (col. 1, lines 42-56). In contrast, the problems addressed by the pending claims are limited to electrically powered vehicles used in a vehicle sharing system. For example, the claims at issue recite methods for warning users when the state of charge of the batteries is low.

The Kane patent does not relate to either vehicle sharing systems, or even electrically powered vehicles. Because a person skilled in the field of electrically powered vehicles used in vehicle sharing systems would not look to Kane to solve problems related to determining the state of charge of batteries for electrically powered vehicles, the Kane document is not analogous art to the amended claims. See *In re Clay*, 966 F.2d 656, 659-660 (Fed. Cir. 1992). Rejection of claims 1-4, 11, 12, 15, 19, 20 and 21 based on Kane should be withdrawn because Kane is not relevant to the patentability of Applicants' amended claims.

Claims 5, 6 and 23 stand rejected as unpatentable over Kane et al and Kondo et al in view of Kikuchi et al., United States patent 6,133,707. According to the Examiner, Kikuchi teaches comparing a sensed SAE greater with a previously sensed SAE to detect a change in SAE greater than a predefined value. The Examiner relies principally on Kane et al. Applicants respectfully request that the rejection be withdrawn in view of applicants' amendments to the claims to distinguish the patents to Kane and Kondo.

Claims 7, 8 and 24 stand rejected as unpatentable over Kane et al., and Kondo et al. in view of Kikuchi et al., and Tabata et al., United States patent 5,908,453. Kondo et al. and Kane are relied on as before. Applicants respectfully request that the rejection of claims 7,8 and 24 be withdrawn in view of Applicants' amendments their claims to distinguish the patents to Kane et al. and Kondo et al. Similarly, Applicants request that the rejection of claims 9, 10 and 25 in view of Kondo et al., Kane et al. and

Tabata et al. be withdrawn for the same reasons.

Claims 16 and 18 stand rejected as unpatentable over Kane et al., and Kondo et al. in view of Henze et al. The Examiner relies on Kondo et al. and Kane et al. for rejections already discussed. Applicants respectfully request that the rejection of claims 16 and 18 be withdrawn in view of amendments to the claims to distinguish Kondo et al. and Kane et al.

Applicants submit that the claims are in condition for allowance, and request issuance of a notice thereof. Pursuant to 37 C.F.R. § 1.25(b), the Commissioner is hereby authorized to charge any additional fees to Deposit Account 131241 or to credit any overpayment to the same for all matters during the prosecution of this application.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS
Attorneys for Applicants

A handwritten signature in black ink, appearing to read 'Ed M. Jordan', is written over a horizontal line.

Edward M. Jordan
Registration Number 40,666

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